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THE HONORABLE KAREN A. OVERSTREET
Chapter 13
Hearing Date: June 11, 2010 @ 9:30 a.m.
Response Date: June 4, 2010
Location: U.S. Bankruptcy Court
700 Stewart Street, Rm. 7206
Seattle, WA 98101

8
9 IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

10
11 IN RE:

)
) **Case No. 09-22120**

12
13)
14 SCOTT TOWNLEY AND)
STEPHANIE TASHIRO-TOWNLEY)

)
) RESPONSE TO BANK OF NEW YORK
) MELLON'S MOTION FOR RELIEF
FROM STAY

15
16 Debtors.)
17)
18)

19 COME NOW, the undersigned attorney, David M. Lux, attorney for the above-named
20 debtors, Scott Townley and Stephanie Tashiro-Townley, who responds to the Bank of New
21 Mellon's Motion for Relief from Stay as follows:

- 22 1. My clients, the above named debtors, filed a response to this motion on June 3, 2010
23 without my knowledge whatsoever until, just after midnight June 4, 2010, I looked online
24 of the ECFwebmaster Summary of ECF activity for my case activity for June 3, 2010. It

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26 - 1 - - **RESPONSE TO MOTION FOR**
27 **RELIEF FROM STAY**

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- 1 was then that I first realized that the debtors had filed a response in this matter. I then
2 read their response. Prior to reading their filed response, I had no knowledge whatsoever
3 the debtors would be taking these positions in their response. The debtors never mailed,
4 emailed, delivered, or otherwise provided me with a copy of their pro se response.
5
- 6 2. I have attempted to contact the debtors many times over the past several weeks since this
7 motion has been filed, as well as over the past several months before this motion was
8 filed, in an effort to get a response from them regarding their position regarding whether
9 they wished to vacate their home or amend their Chapter 13 plan to pay their mortgage
10 and mortgage arrearage. The debtors never responded to me with a decision on that
11 issue and have not responded to me at all over the past several weeks.
12
- 13 3. I filed a Motion to Shorten Time to withdraw as counsel for the debtors scheduled for
14 hearing on June 11, 2010. However, in light of the debtors' response to this Motion for
15 Relief from Stay without my prior knowledge, I do not wish to appear at this June 11th
16 hearing and expect to strike my motion to shorten time to withdraw. I will then present
17 my ex parte order to withdrawal as debtors' counsel on June 16, 2010 pursuant to my
18 previously filed motion to withdraw as counsel scheduled for hearing on June 16th.
19
- 20 4. Given these recent and usual circumstances, I hope that this court understands my
21 position not to attend this June 11th hearing. There has been a complete breakdown of
22 communication between the debtors and me. Furthermore, I did not participate in the
23 debtors' response because I had no prior knowledge of the debtors' pro se filed Response
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1 to Bank of New York Mellon's Motion for Relief from Stay. The debtors' response was
2 drafted and filed without my advice, counsel, assistance or participation whatsoever.
3

4 DATED: June 4, 2010
5

6 /s/David M. Lux

David M. Lux, WSBA #24581

7 Attorney for Debtors
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